

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 1 has been amended for clarity.

The Examiner has rejected claims 1-19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,107,481 to Miki et al. The Examiner has further rejected claims 1 and 10 under 35 U.S.C. 102(b) as being anticipated by European Patent Application No. EP0932159A2 to Suzuki et al.

The Miki et al. patent discloses a recording area management system for writable type optical disks.

As indicated in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated:

"Miki discloses a method of allocating recording space on a recording medium (see optical disk (102) in fig. 1 and col. 4, lines 47-50) for recording an entry of predetermined length, the recording medium having an associated displayed directory listing blocks specifying free space and previously recorded entries",

"determining with the aid of the displayed directory, consecutive blocks of said listed blocks necessary for

recording at least the entry of predetermined length, starting from the start position (see col. 5 lines 11-64 and fig. 2)",

"displaying the directory (see col. 4 line 65-col. 5, line 5)",

and

"indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory (see col. 5 line 25-col. 7 line 44)".

Applicants submit that the Examiner is mistaken. In particular, while the Examiner has assumed that Miki et al. discloses displaying a directory, in fact, there is no disclosure of such in Miki et al. In fact, the term "display" does not even occur in Miki et al. Further, the section of Miki et al. which the Examiner indicates as disclosing "displaying the directory" actually states:

"Reference numeral 111 denotes area managing means for managing the management information 102 in the optical disk 101. In general, if the management information 102 is read out of the optical disk 101 each time it is referred to, the processing speed decreases. Therefore, in many cases, the management information 102 is buffered into a high speed storage medium such as a memory or the like and is referred to therein."

It should be apparent from the above that Miki et al. neither discloses nor suggests displaying anything, much less a directory.

In response thereto, the Examiner now states:

"Miki discloses the management information in Fig. 1 is read out (see col. 4 line 51 -col. 5 line 24). Miki further discloses an algorithm for selecting the recording position. Miki further discloses the optimum erased area is selected from the erased area management information. Miki further discloses the overwriting and verification for the recording area are instructed to

the optical disc control section 9see col. 5 lines 35-63)."

It appears that the Examiner is equating "the management information is read out" with "displaying the directory".

The subject invention seeks to enable a user to be "in a better position to intuitively determine the best possible solution for allocating recording space for a new entry, taking into account the other previously recorded entries on the recording medium and their relative importance to the user" (Substitute Specification, page 5, lines 15-18). In order for a user to be able to interact with an electronic system, there must be a rendering of information, either audibly or visually. The subject invention enables this interaction through visually displaying various information, and in particular, "displaying the directory" and "indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory".

Miki et al. specifically states "In general, if the management information 102 is read out of the optical disk 101 each time it is referred to, the processing speed decreases. Therefore, in many cases, the management information 102 is buffered into a high speed storage medium such as a memory or the like and is referred to therein." This "read out" of the management information 102 is being performed by the optical disk control means 107 as shown in Fig. 1 thereof. It should be noted that the term "read out" means the reading of information on the optical disk. This is

in contrast to the term "read-out" which relates to some form of visual display.

Applicants submit that reading out information on an optical disk does not enable user interaction. Rather, this read out of information allows the system of Miki et al. to interact with the optical disk.

Applicants therefore submit that Miki et al. neither discloses nor suggests "displaying the directory" and "indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory".

The Suzuki et al. patent discloses an information recording apparatus which, during the recording of an information signal onto a recording medium, allows the user to display a directory of previously recorded programs and enables highlighting of a selected program.

The Examiner has indicated that Suzuki et al. discloses each of the claim 1 limitations, and, in particular, "indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory (see fig. 2 and 4, claims 1 and 6, and paragraph 0070-0072."

Applicants submit that the Examiner is mistaken. In particular, the only portion of Suzuki et al. dealing with displaying information is paragraphs [0070]-[0074]. This portion of Suzuki et al. merely relates to the selective highlighting of a previously recorded program in a directory of previously recorded programs ("a program list or table of the programs, which had been

recorded in advance other than the record signal Sr which has been just recorded...is displayed as the display information signal S4 on an external monitor", col. 12, lines 21-27) in order for that program to be erased. After the process of erasing the undesired program is completed, "the operation of displaying the program list on the monitor is canceled" (col. 13, lines 20-22).

Applicants submit that Suzuki et al. neither discloses nor suggests "determining, with the aid of the displayed directory, consecutive blocks of said listed blocks necessary for recording at least the entry of predetermined length, starting from the start position" or "indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory", as specifically claimed in claim 1.

In response thereto, the Examiner now states:

"Suzuki discloses erasable information is specified among the information groups which are identified by the outputted identification information while recording device is newly recording the record information. Suzuki further discloses a controlling device for controlling recording device to newly record the record information to a recordable area (see claim 1 and col. 11, lines 8-56)."

Applicants submit that this is irrelevant to the claimed invention. In particular, Suzuki et al. neither discloses nor suggests "displaying the directory", "determining, with the aid of the displayed directory, consecutive blocks of said listed blocks necessary for recording at least the entry of predetermined length, starting from the start position" or "indicating the determined consecutive blocks necessary for recording at least the entry of

predetermined length in the displayed directory", **as specifically claimed in claim 1.**

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believes that this application, containing claims 1-19, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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